

**A) Remarks:**

Claims 8 - 11 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Facq et al. and Geibler, and further in view of Janser. Reconsideration is respectfully requested in view of the following remarks.

A combination of references is permitted to render obvious only that which they fairly teach to one of ordinary skill in the art. See *In re: Free*, 141 USPQ 238, 329 F.2d 998, (CCPA 1964). With this in mind, we need to examine exactly what the combination disclosures of these references fairly teach to one of ordinary skill in the art without the use of hindsight.

The Examiner states "It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Facq - Geibler and Janser to provide the programmable language of Janser in the system of Facq - Geibler, because doing so when able strong support of inner action with a learner in the system of Facq - Geibler (Janser, Section 2.3, second bulleted point)." However, it is respectfully submitted that the Examiner has hypothesized such a system which does not in fact exist in the prior art through the improper use of hindsight.

Facq makes no mention of a movie media type, but rather specifically refers to image and text media types. There is no intention indicated in Facq that "multiple media" was meant to extend to much more complicated media types such as video and animation, not to mention interaction. In particular, Facq teaches a multiple media viewing system wherein there is a first channel for

transferring the image items of the medium content, a second channel for transferring the textual items of the media content, and a third channel for transferring dimensions of the image items. See for example claim 20 of Facq. This verifies that Facq had no intention to indicate that “multiple media” was meant to extend to much more complicated media types like video and animation or interaction.

The Examiner further asserts in paragraph 5 that the addition of a movie clip media type equipped with a programming language would have been a desirable addition to Facq because “doing so would enable strong support of interaction with a learner”. However, Facq does not make any reference to a learner, nor does it place any importance on interaction. Therefore, it is respectfully submitted that there is no grounds for the Examiner’s assertion that this addition would have been obvious to Facq., and does not indicate any interest in the advantage of such an addition. Also it is obvious from the foregoing that a combination of what these two references teach is something entirely different from what Applicant specifically claims, when hindsight is not applied.

In the reference made by the Examiner to Janser, it must be observed that Janser does not teach a movie clip with a programming language as maintained by the Examiner. The Janser reference merely indicates the use of Authorware. Authorware, a software package now distributed by Macromedia, creates a media type including animation and a programming language. However, this media type is not a movie clip, and does not have a playhead and a timeline subdivided into frames, which makes it considerably different from the movie clip media type described and claimed in the present application. One could speculate that it would be possible to combine the Java

programming language with a VHS tape to produce the movie clip media type described in the present application. However, such a speculation would be the improper application of hindsight and an assertion that such a combination would be obvious to someone with ordinary skill in the art would be therefore a gross exaggeration.

In paragraph 6, the Examiner writes "Facq - Geibler - Janser teaches . . . obtain from host database a set of . . . website addresses associated with the multimedia experience". However, it is respectfully submitted that the Janser reference does not teach this. The section in Janser indicated by the Examiner speaks of "navigating between related pages". In context, it is referring to the pages of the lesson, and is not related to website pages.

From the foregoing it can be readily observed to one of ordinary skill in the art that a combination of the teachings of the cited references teaches something entirely different from the claimed combination that Applicant sets forth in claims 8 through 11. Accordingly, reconsideration with formal notice of allowance is requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Floyd B. Carothers".

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